

Paper No. \_\_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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XILINX, INC.  
Petitioner

v.

INTELLECTUAL VENTURES I LLC  
Patent Owner

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Case IPR2013-00029  
Patent 5,632,545

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PATENT OWNER INTELLECTUAL VENTURES' MOTION TO EXCLUDE  
TESTIMONY OF A. BRUCE BUCKMAN, Ph.D.

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## I. INTRODUCTION

Petitioner Xilinx, Inc.’s proffered expert, A. Bruce Buckman, Ph.D., lacks the “knowledge, skill, experience, training, or education” to offer opinions about the pertinent art, namely, video projection and, more specifically, liquid crystal, displays. Fed. R. Evid. 702; see 37 C.F.R. § 42.62 (applying Federal Rules of Evidence to IPR proceedings). This is exemplified by the fact that Dr. Buckman has now changed his opinion—on where the claimed “video controller” is disclosed in the “Lee” prior art reference (U.S. Patent No. 5,287,131)—*three* times.

Because Dr. Buckman’s opinions are unreliable and would not help the Board “understand the evidence or to determine a fact in issue,” Fed. R. Evid. 702, patent owner Intellectual Ventures I LLC moves pursuant to 37 C.F.R. § 42.64(c) to exclude Dr. Buckman’s opinions in Exhibits 1012 and 1013.

## II. PROCEDURAL HISTORY

On October 19, 2012, Xilinx filed its petition for *inter partes* review in this proceeding. (Paper 1.)

On March 12, 2013, the Board issued its Decision to institute *inter partes* review. (Paper 11.)

On September 12, 2013, Xilinx filed its Opposition to Motion to Amend the Claims (Paper 26), and a supporting “Declaration of A. Bruce Buckman, Ph.D.

Under 37 C.F.R. § 1.68 Directed to the Proposed Substitute Claims” (Exhibit

1012). Paper 26 relies extensively on the Buckman Declaration (Exhibit 1012).  
(See 9/12/13 Xilinx Opposition (Paper 26) at 5, 7-15.)

On September 12, 2013, Xilinx also filed its Reply Brief in Support of  
Petition for *Inter Partes* Review of U.S. 5,632,545 (Paper 27), and a supporting  
declaration entitled “Reply Report of Dr. A. Bruce Buckman” (Exhibit 1013).  
Paper 27 relies extensively on the Buckman Declaration (Exhibit 1013). (See  
9/12/13 Xilinx Reply Brief (Paper 27) at 4, 6, 8-15.)

On September 13, 2013, pursuant to 37 C.F.R. § 42.64(b)(1), patent owner  
Intellectual Ventures I LLC timely served and filed objections to Exhibits 1012  
and 1013 under, among other things, Federal Rule of Evidence 702 because “Dr.  
Buckman lacks expertise in the relevant field and his testimony does not measure  
up to the standards set by *Daubert . . . Kumho Tire . . .* and their progeny.” (Paper  
28 at 1.)

On September 16, 2013, pursuant to 37 C.F.R. § 42.64(b)(2), Xilinx filed a  
Notice of Supplemental Evidence (Paper 29), submitting a Supplemental  
Declaration of Dr. A. Bruce Buckman (Exhibit 1021) in response to patent owner’s  
September 13, 2013 objections to Exhibits 1012 and 1013.

On September 18, 2013, patent owner filed its Second Objection to  
Evidence, noting that the versions of Exhibits 1012 and 1013 that were filed on  
September 12, 2013 were missing a number of figures. (Paper 30.)

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